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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/699,399 Confirmation No.: 3291
Applicant : Supratik Guha
Filed : October 30, 2003
TC/A.U. : 2859
Examiner : Mirellys JAGAN
Docket No. : YOR920030425US1
Customer No. : 23334

37 C.F.R. § 1.132 DECLARATION

I, the undersigned, hereby declare the following:

- 1) My name is Emanuel Tutuc
- 2) I am 31 years of age.
- 3) I reside at 1870 Baldwin Rd, Unit 46, Yorktown Heights, NY 10598
- 4) I am a citizen of the Romania.
- 5) I currently work as a Post Doctoral Researcher for International Business Machines (IBM) Corporation.
- 6) I have a Bachelor's degree in Physics from the University of Paris, and a doctorate (Ph.D.) degree in Physics from Princeton University. I am the co-inventor on two patents pending and authored 46 journal archived publications.
- 7) I have 8 years of experience working as a physicist.
- 8) I am familiar with thermal imaging. I have reviewed the above-reference patent application along with Davidson patent (U.S. Patent No. 6,140,141).

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- 9) I am familiar with the general wavelength range of transmission of two groups of materials: i) fused quartz and BK-7 glass and ii) polished silicon, quartz, sapphire, glass, and diamond. More specifically I am familiar with infrared radiation through the above two groups of materials.
- 9) In my opinion both the fused quartz and BK-7 glass are inoperable for thermal imaging because they are not transparent to wavelengths above 4 microns, corresponding to a temperature of 455C. For at least these reasons, it is my expert technical opinion that the Davidson patent is inoperable for thermal imaging under 455C, because of the use of fused quartz and BK-7 glass.

I, the undersigned, hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Emanuel Tutuc: Signature: _____



Date: September 25, 2006